

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5354

IN THE MATTER OF:

Served June 16, 1998

WASHINGTON EXPRESS, INC., Trading)	Case No. MP-98-08
as NATION'S TOUR & TRANSPORT,)	
Suspension and Investigation of)	
Revocation of Certificate No. 211)	
Application of WASHINGTON EXPRESS,)	Case No. AP-98-25
INC., Trading as NATION'S TOUR &)	
TRANSPORT, for Restrictive)	
Amendment of Certificate No. 211)	

By Order No. 5322, served April 30, 1998, the Commission revoked Certificate of Authority No. 211 pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to maintain on file with the Commission an effective certificate of insurance. Respondent (Washington Express) subsequently filed the necessary certificate of insurance and a timely application for reconsideration of Order No. 5322.¹

Under Title II of the Compact, Article XIII, Section 4(a), an application for reconsideration must state specifically the errors claimed as grounds for reconsideration. Respondent's application does not allege any error on the part of the Commission. The application therefore is denied.

However, considering that respondent has filed a new certificate of insurance showing reinstatement of full coverage, we will reopen this proceeding on our own initiative and reinstate Certificate of Authority No. 211.²

By application filed May 28, 1998, Washington Express seeks to amend Certificate of Authority No. 211, which authorizes transportation of passengers in irregular route operations between points in the Metropolitan District without regard to vehicle seating capacity. Applicant proposes adding a seating capacity restriction so that Certificate No. 211 would authorize transportation only in

¹ An application must be filed within thirty days of the date the order is issued. Compact, tit. II, art. XIII, § 4(a). Respondent filed his application on May 14, 1998.

² See In re Safe Haven, Inc., No. MP-97-71, Order No. 5200 (Sept. 17, 1997) (reinstating certificate of authority).

vehicles with a seating capacity of less than 16 persons, including the driver.

Under Article XI, Section 10(b), of the Compact, the Commission may amend a certificate of authority upon application by the holder. Applicant's annual report shows that applicant no longer operates vehicles seating more than 15 persons, including the driver. Adding the seating capacity restriction would lower applicant's minimum insurance requirement from \$5 million to \$1.5 million. Accordingly, the application is approved.

THEREFORE, IT IS ORDERED:

1. That Case No. MP-98-08 and Case No. AP-98-25 are hereby consolidated.

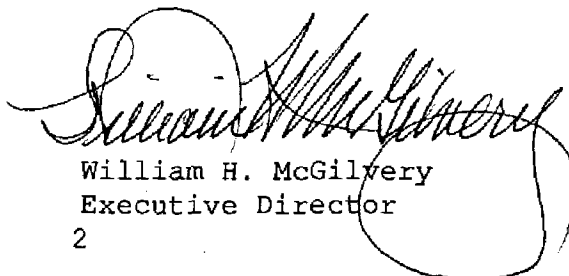
2. That Certificate of Authority No. 211 is hereby reinstated.

3. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 211 shall be reissued, as amended consistent with this order, to Washington Express, Inc., trading as Nation's Tour & Transport, 12108 Heritage Park Circle, Silver Spring, MD 20906.

4. That applicant is hereby directed to file the following documents within thirty days: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61.

5. That the approval of amendment herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:


William H. McGilvery
Executive Director
2